

COEUR D'ALENE, TUESDAY, APRIL 3, 2012 AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

CAPSTAR RADIO OPERATING)	
COMPANY, a Delaware corporation,)	
)	
Plaintiff-Respondent,)	Docket No. 38300
)	
v.)	
)	
DOUGLAS P. LAWRENCE and BRENDA)	
J. LAWRENCE, husband and wife,)	
)	
Defendants-Appellants.)	
_____)	

Appeal from the District Court of the First Judicial District, State of Idaho,
Kootenai County. Hon. John T. Mitchell, District Judge.

Douglas Lawrence and Brenda Lawrence, Coeur d'Alene, appellants *pro se*.

James, Vernon & Weeks, Coeur d'Alene, for respondents.

This appeal involves a dispute over whether Capstar Radio Operating Company, ("Capstar"), holds an easement over the property of Douglas and Brenda Lawrence. Capstar filed a Motion for Summary Judgment, alleging in the alternative, that an easement existed based on the theory of either an easement by implication, an easement by necessity, or a prescriptive easement. The district court filed its Order granting summary judgment, finding that Capstar holds an easement implied by prior use, an easement by prescription, and an easement by necessity. The Lawrences appealed to this Court, arguing that the district court erred in granting summary judgment because genuine issues of material fact exist. The Lawrences also argue that the district court abused its discretion by failing to recuse itself for alleged bias, and that the lower court erred in determining that the Lawrences' defenses of laches and statute of limitations were meritless.

COEUR D'ALENE, TUESDAY, APRIL 3, 2012 AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**LAKELAND TRUE VALUE HARDWARE,)
LLC,)**

Plaintiff-Appellant,)

v.)

**THE HARTFORD FIRE INSURANCE)
COMPANY, a Connecticut corporation,)**

Defendant-Appellant.)

Docket No. 37987

Appeal from the District Court of the First Judicial District, State of Idaho,
Bonner County, Hon. John T. Mitchell, District Judge.

Bistline Law, PLLC, Coeur d'Alene, for appellant.

Hall, Farley, Oberrecht & Blanton, P.A., Boise, for respondent.

Lakeland True Value Hardware, LLC (Lakeland) sought business personal property and business income insurance coverage from its insurer, The Hartford Fire Insurance Co. (Hartford), after the roof of its hardware store collapsed. Lakeland eventually filed suit, asserting bad faith and breach of contract. The district court dismissed the bad faith claim for lack of evidence. The breach of contract claim proceeded to trial, and the jury rendered a verdict in favor of Hartford. On appeal, Lakeland challenges the order granting summary judgment, asserts the jury verdict is not supported by substantial and competent evidence, and challenges the district court's award of discretionary costs to Hartford. Lakeland also asserts that the jury was confused as to the period of coverage and appeals the district court's evidentiary rulings and jury instructions relevant to that issue.

COEUR D'ALENE, TUESDAY, APRIL 3, 2012 AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

PAUL TRUNNELL, an individual,

Plaintiff-Appellant,

and

BILL LOMU,

Plaintiff,

V.

VERNA FERGEL,

Defendant-Respondent.

Docket No. 37984

Appeal from the District Court of the First Judicial District, State of Idaho,
Bonner County. Hon. Steven C. Verby, District Judge.

Featherston Law Firm, Sandpoint, for appellant.

Berg & McLaughlin, Chtd., Sandpoint, for appellant.

Jonathan W. Cottrell, Chtd., Sandpoint, for respondent.

This case comes before this Court on an appeal from the district court’s ruling against Paul Trunnell and Bill Lomu’s (collectively “Trunnell”) Complaint and Petition for Injunctive Relief. The complaint alleged the existence of a public road on Verna Fergel’s (Fergel) property, and that Fergel had denied access to the road causing damage to Trunnell. The district court held that Fergel was a bona fide purchaser for value, and that she did not have actual or constructive notice of the public nature of the road when she purchased the property. Trunnell now appeals that decision.